

ASSEMBLY BILL

No. 251

Introduced by Assembly Member Wagner

February 6, 2013

An act to add Section 69959 to, and to repeal Sections 69957 and 69958 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 251, as introduced, Wagner. Electronic court reporting.

Existing law authorizes a court to use electronic recording equipment in a limited civil case, a misdemeanor or infraction case, or for the internal purpose of monitoring judicial officer performance. Existing law requires a court to obtain advance approval from the Judicial Council prior to purchasing equipment. Existing law also requires each superior court to report semiannually to the Judicial Council, and the Judicial Council to report semiannually to the Legislature, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

This bill would instead require the Judicial Council, by July 1, 2014, to implement electronic court reporting in 20% of all superior court courtrooms, and to implement electronic reporting in at least an additional 20% of all superior court courtrooms annually thereafter. This bill would also require the Judicial Council to report to the Governor and the Legislature on the efforts undertaken to implement electronic court reporting, as provided, by January 1, 2016. The provisions of the bill would not apply to felony cases.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 69957 of the Government Code is
2 repealed.

3 ~~69957. (a) If an official reporter or an official reporter pro~~
4 ~~tempore is unavailable to report an action or proceeding in a court,~~
5 ~~subject to the availability of approved equipment and equipment~~
6 ~~monitors, the court may order that, in a limited civil case, or a~~
7 ~~misdemeanor or infraction case, the action or proceeding be~~
8 ~~electronically recorded, including all the testimony, the objections~~
9 ~~made, the ruling of the court, the exceptions taken, all arraignments,~~
10 ~~pleas, and sentences of defendants in criminal cases, the arguments~~
11 ~~of the attorneys to the jury, and all statements and remarks made~~
12 ~~and oral instructions given by the judge. A transcript derived from~~
13 ~~an electronic recording may be utilized whenever a transcript of~~
14 ~~court proceedings is required. Transcripts derived from electronic~~
15 ~~recordings shall include a designation of “inaudible” or~~
16 ~~“unintelligible” for those portions of the recording that contain no~~
17 ~~audible sound or are not discernible. The electronic recording~~
18 ~~device and appurtenant equipment shall be of a type approved by~~
19 ~~the Judicial Council for courtroom use and shall only be purchased~~
20 ~~for use as provided by this section. A court shall not expend funds~~
21 ~~for or use electronic recording technology or equipment to make~~
22 ~~an unofficial record of an action or proceeding, including for~~
23 ~~purposes of judicial notetaking, or to make the official record of~~
24 ~~an action or proceeding in circumstances not authorized by this~~
25 ~~section.~~

26 ~~(b) Notwithstanding subdivision (a), a court may use electronic~~
27 ~~recording equipment for the internal personnel purpose of~~
28 ~~monitoring the performance of subordinate judicial officers, as~~
29 ~~defined in Section 71601 of the Government Code, hearing officers,~~
30 ~~and temporary judges while proceedings are conducted in the~~
31 ~~courtroom, if notice is provided to the subordinate judicial officer,~~
32 ~~hearing officer, or temporary judge, and to the litigants, that the~~
33 ~~proceeding may be recorded for that purpose. An electronic~~
34 ~~recording made for the purpose of monitoring that performance~~
35 ~~shall not be used for any other purpose and shall not be made~~
36 ~~publicly available. Any recording made pursuant to this subdivision~~
37 ~~shall be destroyed two years after the date of the proceeding unless~~

1 a personnel matter is pending relating to performance of the
2 subordinate judicial officer, hearing officer, or temporary judge.

3 (e) ~~Prior to purchasing or leasing any electronic recording~~
4 ~~technology or equipment, a court shall obtain advance approval~~
5 ~~from the Judicial Council, which may grant that approval only if~~
6 ~~the use of the technology or equipment will be consistent with this~~
7 ~~section.~~

8 SEC. 2. Section 69958 of the Government Code is repealed.

9 ~~69958. Each superior court shall report to the Judicial Council~~
10 ~~on or before October 1, 2004, and semiannually thereafter, and~~
11 ~~the Judicial Council shall report to the Legislature on or before~~
12 ~~December 31, 2004, and semiannually thereafter, regarding all~~
13 ~~purchases and leases of electronic recording equipment that will~~
14 ~~be used to record superior court proceedings, specifying all of the~~
15 ~~following:~~

16 (a) ~~The Superior Court in which the equipment will be used.~~

17 (b) ~~The types of trial court proceedings in which the equipment~~
18 ~~will be used.~~

19 (c) ~~The cost of purchasing, leasing, or upgrading the equipment.~~

20 (d) ~~The type of equipment purchased or leased.~~

21 SEC. 3. Section 69959 is added to the Government Code, to
22 read:

23 69959. (a) Notwithstanding any other law, the Judicial Council
24 shall, by July 1, 2014, implement electronic court reporting in 20
25 percent of all superior court courtrooms not currently utilizing
26 electronic recording. The Judicial Council shall, annually thereafter,
27 phase in electronic recording in at least an additional 20 percent
28 of the total number of superior court courtrooms. The Judicial
29 Council may implement electronic recording in more courtrooms
30 if it will result in additional savings.

31 (b) The Judicial Council, shall, by January 1, 2016, report to
32 the Governor and the Legislature on the efforts undertaken to
33 implement electronic court reporting, including, but not limited
34 to, all of the following:

35 (1) The costs incurred to implement electronic recording.

36 (2) The superior courts and case types affected by the first year
37 of implementation.

38 (3) The savings achieved in the 2014–15 and 2015–16 fiscal
39 years through the implementation of electronic recording.

- 1 (4) Future implementation plans and the superior courts or case
2 types to be phased in during future fiscal years.
- 3 (c) References to “court reporters” and “reporter’s transcript”
4 throughout existing law, may include, where appropriate, electronic
5 court recordings for those courts that have partially or fully
6 implemented electronic recording.
- 7 (d) This section does not apply to felony cases.
- 8 (e) (1) The requirement for submitting a report imposed under
9 subdivision (b) is inoperative on January 1, 2020, pursuant to
10 Section 10231.5.
- 11 (2) A report submitted pursuant to subdivision (b) shall be
12 submitted in compliance with Section 9795.